

PATENT
Atty. Dkt. No. 112914CIP

REMARKS

In view of the above amendments and the following discussion, the Applicant submits that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

I. IN THE DRAWINGS

The Examiner has objected to the drawings because they include reference characters not mentioned in the specification. In response, the Applicant has amended the specification to include reference characters 305, 306-2, 307, 308-2, 602 and 604. The Applicant respectfully submits that the drawings fully comply with 37 CFR 1.84(p)(5).

Moreover, the Examiner asserts that Figure 2 should be designated as -- Prior Art --. The Applicant respectfully submits that Figure 2 is a higher level diagram containing the invention and, therefore, is novel and not Prior Art. For example, the invention as depicted in Figure 3 lies within block 201-1 in Figure 2. (See Also Applicants' Specification, Paragraph [0038].) As such, the Applicant respectfully requests that the objections to the drawings be withdrawn.

II. IN THE CLAIMS

The Examiner has objected to claims 2, 9-11, 13 (previously claim 14) and 16 (now claim 15) because of informalities. In response, the Applicant has cancelled claims 2, and 9 and previously number claim 16 (now claim 15) without prejudice. Claims 10 and 11 have been amended as suggested by the Examiner to change the subsequent uses of "a transmission channel" to "the transmission channel." Finally, claims 10-11 and 13 (previously claim 14) have been amended such that all variables in the equations are defined. As such, the Applicant respectfully requests the objections be withdrawn.

In addition, the Applicant recognizes the renumbering of claims 13-16 to 12-15. As such, the Applicant assumes that the Examiner inadvertently used claim 16 in section 3 of the claim objections of the office action, rather than claim 15. The Applicant

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assumes that the rest of the claim numbers used by the Examiner are based on the renumbered claims 12-15.

III. REJECTION OF CLAIMS 1-9, 12 and 15 UNDER 35 U.S.C. § 103

A. Claims 1-9 and 15

The Examiner has rejected claims 1-9 and 15 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Vahlin, et al. (SEE 892 reference U, hereinafter referred to as "Vahlin".)

Responsive to the Examiner, Applicant has canceled claims 1-9 and 15 without prejudice. Thus, the present rejection is now moot. However, Applicant reserves the right to file one or more continuation applications to continue prosecution of this canceled claim.

B. Claim 12

The Examiner has rejected claim 12 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Vahlin in view of Kerpez (US Patent 5,295,159, hereinafter referred to as "Kerpez").

Responsive to the Examiner, Applicant has canceled claim 12 without prejudice. Thus, the present rejection is now moot. However, Applicant reserves the rights to file one or more continuation applications to continue prosecution of these canceled claims.

III. ALLOWED CLAIMS

The Applicant thanks the Examiner for his comments regarding the allowability of claims 10-11 and 13-14 if these claims are rewritten in an independent form including all of the limitation of the base claim and any intervening claims.

Responsive to the Examiner, Applicant has amended claims 10 and 13 into independent claim form. Thus, Applicant submits that claims 10-11 and 13-14 are now in allowable form.

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Conclusion

Thus, the Applicant submits that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

5/9/05

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